

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-6, 10-12, 16-22, and 40 are pending in the application, with claims 1, 16, and 40 being the independent claims. Claims 7-9 and 13-15 were previously withdrawn from consideration. Claims 1-6, 10-12, 16-22 and 40 are sought to be amended to clarify the claims. Support for these amendments is found in the instant specification, at least at, for example, paragraphs [0011], [0019], [0028], [0031], [0041], [0065] and FIGs. 1 and 3. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Applicant reserves the right to prosecute similar or broader claims, with respect to any cancelled or amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Information Disclosure Statement

Applicant gratefully acknowledges the Examiner's indication, at page 2 of the Office Action, that the Information Disclosure Statement submitted on October 31, 2008 is being considered.

Rejections under 35 U.S.C. § 103

On page 2 of the Office Action, claims 1-6, 16, 20-22, and 40 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Adobe Acrobat 5.0 released 12 March 2001 as evidenced by "Adobe Acrobat 5.0 User's Guide for Chambers" (hereinafter "Adobe") in view of U.S. Patent Publication No. 2002/0077985 to Kobata *et al.* ("Kobata").

On page 4 of the Office Action, claims 10-12 and 17-19 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Adobe Guide in view of Kobata, further in view of U.S. Patent Publication No. 2003/0037253 filed by Blank *et al.* (hereinafter "Blank"). Applicant respectfully traverses these rejections for the reasons stated below.

Applicant submits that the applied references, taken alone, or in the allegedly obvious combination do not describe each and every element as set forth in independent claims 1, 16 and 40.

Without documentary evidence of a publication date or a public posting date, the Adobe reference cannot be relied upon in a rejection. See M.P.E.P. § 706.02(a). The Examiner bears the burden of establishing the publication date for a reference cited in an Office Action. See *Id.* The Examiner provides no documentary evidence of a public posting or a retrieval date for the Adobe reference that predates the effective filing date of the present application. Applicant respectfully submits that the Examiner's proffered evidence of a public posting or a retrieval date for the Adobe reference is inadequate. With regards to the Examiner's assertion on page 5 of the Office Action that "a printout from Amazon.com clearly shows ... the date supplied in the rejection", Applicant has

examined the "printout from Amazon.com" regarding the release date of the Adobe Acrobat 5.0 *software* and submits that this is not documentary evidence of a public posting or a retrieval date for the Adobe *reference* that predates the effective filing date of the present application.

Further, claims 1, 16 and 40 recite features that distinguish them from the applied references. For example, claims 1 and 40 as amended herein recite a method and a computer readable medium, respectively, for (emphasis added):

receiving a copy selection associated with designated content of a source file being displayed by a first, source application;
storing the designated content to the clipboard application;
determining whether the source file is a secured file, where the secured file cannot be accessed without *a priori* knowledge, wherein said determining is performed by one or more computers; and
preventing subsequent usage of the designated content in a second, destination application via the clipboard application if it is determined that the source file is a secured file

Claim 16 recites features that distinguish it from the applied references. For example, claim 16 as amended herein recites (emphasis added):

receiving a copy selection associated with designated content of a source file being displayed by a first, source application;
storing the designated content to the clipboard application;
determining whether the source file is a secured file, where the secured file cannot be accessed without *a priori* knowledge, wherein said determining is performed by one or more computers; and
preventing subsequent storage of the designated content in a second, destination application via the clipboard application if it is determined that the source file is a secured file

On page 3 of the Office Action, the Examiner acknowledges that Adobe fails to disclose preventing subsequent usage and storage of the designated content in a second, destination application via the clipboard application if it is determined that the source file

is a secured file, as recited in claims 1, 16, and 40. Rather, the Examiner relies on Kobata to cure the deficiencies of Adobe.

Kobata does not cure the deficiencies of Adobe with regards to claims 1, 16 and 40.

On page 3 of the Office Action the Examiner states, which Applicant does not acquiesce to, that Kobata “teaches preventing cut/paste (i.e., clipboard) operations from being used to copy a protected document into another application” and that “it would have been obvious to a person of ordinary skill in the art to use the Kobata et al. method of preventing clipboard operations for secure documents to prevent copying from a secured PDF to an unsecured Word perfect document.” However, Kobata is not stated by the Examiner to teach, nor does it teach or suggest, at least the above-recited distinguishing features of claims 1, 16 and 40. Adobe and Kobata, taken singly or in the allegedly obvious combination, are silent on the capability of storing designated content to a clipboard application. Thus, Kobata fails to teach or suggest at least the above-noted distinguishing feature of claim 1, 16 and 40.

Kobata may generally suggest that “digital content 1805 being viewed with the viewer 1820 (e.g., in a partial window on a computer screen) may be prevented from being copied and pasted to another application” (Kobata, paragraph [0222]). However, Kobata is silent on storing the designated content to the clipboard application, as recited in claims 1, 16 and 40. In contrast to the above-noted distinguishing features of claims 1, 16 and 40, Kobata is limited to storing “digital content” in an “electronic virtual warehouse” or in the memory of a computer device (Kobata, paragraphs [0089] and

[0098]). Moreover, the Examiner does not state that Kobata teaches or suggests, nor does Kobata teach or suggest, at least the above noted features of claims 1, 16 and 40.

Therefore, Kobata does not cure the deficiencies of Adobe, and cannot be used to establish a *prima facie* case of obviousness with regards to claims 1, 16 and 40.

Dependent claims 2-6 and 10-12, which depend upon independent claim 1, are allowable for at least being dependent from allowable independent claim 1, in addition to their own respective distinguishing features. See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03.

Also, at least based on their respective dependencies to claim 16, claims 17-22 should be found allowable, as well as for their additional respective distinguishing features.

Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections of claims 1-6, 16, 20-22, and 40 under 35 U.S.C. § 103(a) and pass these claims to allowance.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'Glenn J. Perry', with a stylized flourish at the end.

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